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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,947	09/18/2003	Hans Paller	006593-2020	6530

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THOMPSON HINE LLP  
P.O. Box 8801  
DAYTON, OH 45401-8801

EXAMINER
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PELHAM, JOSEPH MOORE

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 09/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/665,947

Applicant(s)

PALLER, HANS

Examiner

Joseph M. Pelham

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4,6,7,11-22,25,26 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-13,16-18,20-22,25 and 26 is/are allowed.
- 6) ☒ Claim(s) 4,7,14,15,19 and 29 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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The Examiner acknowledges Applicant's submission of the amendment filed 7/03/06. Claims 4, 6, 7, 11-22, 25, 26, and 29 are now pending. The Examiner notes that further review of the prior art has determined new and more appropriate grounds of rejection. He sincerely regrets any inconvenience.

### ***Claim Rejections - 35 USC § 103***

Claims 4, 7, 14, 15, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's acknowledged prior art in view of either US Pat. 4771163 (US'163) or US Pat. 3698377 (US'377).

The acknowledged prior art, at pages 1-2, page 5 (paragraph 0016), and Figs. 4A & 4B, discloses a rack oven largely as claimed, including a heat exchanger and convection means, rotating or wheeled rack means, *and a vertical louver system*. Moreover, steam supply means are well known and conventional means to avoid drying food items in a convection oven, and hence would have been an obvious adjunct. The claims differ substantively from the acknowledged prior art only in that the latter does not explicitly disclose vertical slot means adjacent a wall, a vane that overlaps the facing wall for a distance of at least one inch and spaced from the wall by  $\frac{1}{4}$  to  $\frac{3}{4}$  inches, and directs air flow along the walls for at least  $\frac{2}{3}$  of the distance to the opposite wall.

Referring to Figs. 2 & 8, and col. 4, lines 12-40, US'163 discloses vertical slot means 41 directing air flow along a wall, and a vane 59 that overlaps the facing wall. Vane 59 overlaps the wall for a distance that appears to be at least one inch and is spaced from the wall by a distance that appears to be  $\frac{1}{4}$  to  $\frac{3}{4}$  inches, and it inherently directs air flow along the walls for at least  $\frac{2}{3}$  of the distance to the opposite wall, since its explicit purpose "is to have the air cling to the... walls... as long a distance as possible" (col. 4, lines 37-40).

Alternatively, US'377, at Fig. 2, and col. 3, lines 24-36, discloses vertical slot means directing air flow along a wall, and a vane 18 that overlaps the facing wall. Vane 18 overlaps the wall for a distance that appears to be at least one inch and is spaced from the wall by a distance that appears to be  $\frac{1}{4}$  to  $\frac{3}{4}$  inches, and it inherently directs air flow along the walls for at least  $\frac{2}{3}$  of the distance to the opposite wall, since its explicit purpose is to direct air "forwardly along the oven cavity walls" (3:34-36).

It would have been obvious to adapt the convection means of either US'163 or US'377 to the prior art oven since they teach such to enhance even circulation, and therefore uniform heating.

Moreover, the admitted prior art louver 110 (Fig. 4B), whether or not it is adjustable, which would have been a well known feature to enhance circulation control, would, in view of US'163 or US'377, have been placed adjacent the wall, as claimed. Further, although the vane of US'163 or US'377 appears to be spaced about  $\frac{1}{4}$  to  $\frac{3}{4}$  inches from the wall, this specific value would have been well within the competency of the artisan, since the vent size would be adjusted as a matter of course to optimize the rate of heat transfer.

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***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 11-13, 16-18, 20-22, 25, and 26 are allowed.

***Response to Arguments***

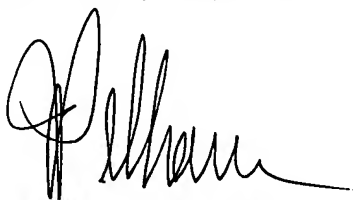
Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9/7/06



JOSEPH PELHAM  
PRIMARY EXAMINER